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BCL

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/331,756	08/23/99	ARAS	M 888-29

LM02/0524

NIXON & VANDERHYE  
1100 NORTH GLEBE ROAD  
8TH FLOOR  
ARLINGTON VA 22201-4714

EXAMINER

TRAN, H

ART UNIT

PAPER NUMBER

2711

9

DATE MAILED:

05/24/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/331,756		ARAS, MEHMET R.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Hai Tran		2711	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

- |   |  |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 16) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)              | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>g</u> . | 20) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

1. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

The following order or arrangement is preferred in framing the specification and, except for the reference to "Microfiche Appendix" and the drawings, each of the lettered items should appear in upper case, without underlining or bold type, as section headings. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) Title of the Invention.
- (b) Cross-References to Related Applications.
- (c) Statement Regarding Federally Sponsored Research or Development.
- (d) Reference to a "Microfiche Appendix" (see 37 CFR 1.96).
- (e) Background of the Invention.
  1. Field of the Invention.
  2. Description of the Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) Brief Summary of the Invention.
- (g) Brief Description of the Several Views of the Drawing(s).
- (h) Detailed Description of the Invention.
- (i) Claim or Claims (commencing on a separate sheet).
- (j) Abstract of the Disclosure (commencing on a separate sheet).
- (k) Drawings.
- (l) Sequence Listing (see 37 CFR 1.821-1.825).

### **Content of Specification**

- (a) Title of the Invention: See 37 CFR 1.72(a). The title of the invention should be placed at the top of the first page of the specification. It should be brief but technically accurate and descriptive, preferably from two to seven words.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.

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- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) Reference to a "Microfiche Appendix": See 37CFR 1.96(c) and MPEP § 608.05. The total number of microfiche and the total number frames should be specified.
- (e) Background of the Invention: The specification should set forth the Background of the Invention in two parts:
  - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
  - (2) Description of the Related Art: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (f) Brief Summary of the Invention: A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (g) Brief Description of the Several Views of the Drawing(s): A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. This item may also be titled "Best Mode for Carrying Out the Invention." Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in

detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet. (37 CFR 1.52(b)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps.
- (j) Abstract of the Disclosure: A brief narrative of the disclosure as a whole in a single paragraph of 250 words or less on a separate sheet following the claims.
- (k) Drawings: See 37 CFR 1.81, 1.83-1.85, and MPEP § 608.02.
- (l) Sequence Listing: See 37 CFR 1.821-1.825.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2-11 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claims 2-11 contain numerous unclear recitations and awkward wording.

They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. For example, The phrase "like" (claim 11) renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those

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encompassed by "like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

- Claim 11 recites the limitations "the television continuity studio" in line 1, "the control of broadcast flow unit" in line 2, "the broadcasting center" in line 3, and "the alphanumerical image data" in line 13. There is insufficient antecedent basis for those limitations in the claim.

Apparently, the claims are directed toward an apparatus, which performs various steps; however, the precise limitation cannot be ascertained due to unclear wording.

Applicant is reminded to recite any method steps intended in the form of active method steps.

**Applicant is advised to carefully review claims 2-11 for compliance with 35 USC 112, -second paragraph.**

The following art rejection is applied to applicant's claims as best understood in view of the 112 second paragraph rejection above.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claim 11 rejected under 35 U.S.C. 102(e) as being unpatented by Dawson et al. (US 5,594,490).

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Regarding claim 1, Dawson discloses a TV broadcast system and method (Fig.1) operated from the television continuity studio (Central Distribution Location, Fig.1, element 3); within the control of broadcast flow unit; with a network comprising of transmission, synchronous and feed back unit (Fig.1, elements PSTN and 17) set up in the broadcasting center (Central Distribution Location) for this aim; via satellite 31, modem 17, link and cable 21; broadcasting local analog sound and drawing materials (Col.4, lines 6-10), with a system combination put to transmission centers called remote stations 5 transferring the broadcast to final receivers (Fig.2, element 5) ; by synchronously cutting off the central general broadcast in all of the remote station or in some of them and by inserting full automatically and from the television continuity studio, within the control of broadcast flow unit (Col.4, lines 29-55); with a network having synchronous, feedback and multiple transmission functions set up separately for this aim; via satellite (blanking line), modem, cable and link lines, in order to broadcast local vision material like graphics, footer, frame, animation and so to be performed; transferring the alphanumeric image data produced at the center to the remote stations (Col.4, lines 14-28) like transmitters or cable transmission centers transferring the broadcast to the final receivers and being present in remote stations (Fig.2, element 41), graphical generator (Fig.2, element 51) converting the alphanumeric image data sent from the center to local vision materials like graphics, footer, frame, animation etc., decoder, inserter and a hard disk and CD-ROM recorder/reader where the incoming data will be recorder (Col. 12, lines 41-55) and having feedback and synchronous unit giving reply to

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interrogation unit before and after the central broadcast (Col.10, lines 55- Col.11, lines 60); and overlay the produced local broadcast vision materials on continuing central general broadcast without cutting off the central general broadcast (Col.11, lines 37-43).

Regarding claim 2, Dawson further discloses the method for producing the still or moving alphanumeric characters and/or image taking place at the continuity studio (Fig.3; Col.4, lines 6-10) to be sent to remote stations (Col.12, lines 55 – Col.13, lines 19).

Regarding claim 3, Dawson further discloses for generating commands to be sent to remote station (Col.5, lines 59-67) and providing the transmission of the codes with broadcasting process, either automatically or semi-automatically (under the operator's control) to remote stations by using the invisible rows and/or "hex" numbered pages of the teletext transmission (Fig.3; Col.6, lines 31-65 and Col.13, lines 39-50).

Regarding claim 4, Dawson further discloses for controlling and verifying the data and analog drawing present at the continuity studio (Col.13, lines 39-63) and sent to be kept at the remote stations (Fig.3, element 41 and Col.14, lines 35-45), have been received correctly or not and whether they are broadcasted or not.

Regarding claim 5, Dawson further discloses where the referred control activity is made through modem net (Fig. 1 and 2, element PSTN and Col.14, lines 46-61).

Regarding claim 6, Dawson further discloses taking place at the remote station and including the decoder (Fig.3, element 35) which extracts, decodes and transfers



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the commands coming through teletext to remote station computer (Fig.1, element 9) (Col.14, lines 25-61).

Regarding claim 7, Dawson further discloses the central distribution location (television continuity studio) which manages and controls remote station (head-end) functions, transfers the switching system that switches general or modified/differentiated transmissions to broadcast areas from the dwelling medium for still or moving character and/ or image data to the display producing area and connects them in various forms with the chosen transmission, reports the results of control process to the continuity studio, can start/stop, change or differentiate one or more process according to the commands superimposed on the main transmission (Col.14, lines 57-67 and Col.15, lines 1-35).

Regarding claim 8, Dawson further discloses which is at the remote station (head-end) and by querying the data comprising the operation and error reports sent to the continuity studio (central distribution location) and also investigating when desired, the remote station operational information from the continuity studio, through modem/telephone network and/or satellite datalink, produces the operational report at any time and sends it to the continuity studio (Col.14, lines 57-67 and Col.15, lines 1-35).

Regarding claim 9, Dawson discloses the system at the remote station (Fig.2, element 5) which includes the hardware controlling the actual overlay on video of alphanumerical/image data and the signal levels from the satellite receiver and

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output from TV transmitter being within acceptable defined limits (Fig.2, elements 33, 35, 37, 39, 51 and 53).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rebec et al. (US 5,594,936) shows a global digital video news distribution system.

Bryan et al. (US 5,652,615) shows a precision broadcast of composite programs including secondary program content such as advertisements.

Hendricks et al. (US 5,559,549) shows a television program delivery system.

Hendricks et al. (US 5,600,364) shows a network controller for cable television delivery system.

Hendricks et al. (US 5,682,195) shows a digital cable headend for cable television delivery system.

Lett (US 5,539,822) shows a system and method for subscriber interactivity in a television system.

Saito (US 5,504,933) shows a pay broadcasting system.

**Contact Fax Information**

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or Faxed to:**

(703) 308-9051, (for formal communication intended for entry)

**or:**


(703) 308-5399, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")  
Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (703) 308-7372. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5399.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

  
ANDREW I. FAILE  
SUPERVISORY PATENT EXAMINER  
GROUP 2700

HT:ht  
May 19, 2000